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HOUSTON TX 77002

In re Application of

Holsten, et al.

Application No. 10/063,797

Filed: May 14, 2002

Attorney Docket No. 10872.0328N

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**SEP 05 2006**

**OFFICE OF PETITIONS**

: DECISION ON PETITION

:

This is a decision on the petition under 37 CFR 1.137(b), filed July 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 18, 2004, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 19, 2004. A Notice of Abandonment was mailed on December 28, 2006.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply form the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office.

The amendment filed July 19, 2006, is noted.

The application is being forwarded to Technology Center 1700, GAU 1744 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

A handwritten signature in black ink, appearing to read "Kenya A. McLaughlin". The signature is fluid and cursive, with the first name "Kenya" being more prominent.

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions